REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 7-9, 12, 14-16, 19, 21-22, and 28 have been amended. Claims 3-4, 6, 10-11, 13, 17-18, 20, 24-25 and 27 were previously cancelled without prejudice. No new claims have been added. Therefore, claims 1-2, 5, 7-9, 12, 14-16, 19, 21-23, 26 and 28 are presented for examination. The following remarks are in response to the final Office Action, mailed September 29, 2008.

35 U.S.C. §101 Rejection

Claims 8-9, 12 and 14 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 8, 9, 12, and 14 have been amended, and Applicant requests that the Examiner withdraw the rejection accordingly.

35 U.S.C. §103 Rejection

Claims 1, 2, 5, 8, 9, 12, 15, 16, 21-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Simpson, U.S. Patent Publication No. 2004/0266399 ("Simpson") in view of Pepper, et al., U.S. Patent No. 5,930,700 ("Pepper").

Simpson discloses a "method for providing selected status announcements from a wireless telephone user to a caller comprising receiving an incoming call from a caller. The method further comprises that responsive to a determination that an automatic answering mode applies to the incoming call: receiving a pre-selected announcement action corresponding to the incoming telephone call and performing the pre-selected announcement action. If the pre-selected announcement action includes a hold announcement, then the incoming telephone call is answered by providing the caller

with the hold announcement and placing the wireless telephone in mute mode until the user has taken the incoming telephone call. The method further comprises that responsive to a determination that a manual answering mode applies to the incoming call, receiving a user-selected announcement action." (Abstract)

Pepper discloses a system and method that allow a subscriber to have incoming telephone calls automatically screened and directed. The system and method allow a subscriber to have all incoming calls screened in order to identify those that are of high importance to the subscriber. By entering schedule information into an appointment calendar and by entering client information into a name and telephone number database, subscribers indicate how they may be located so that important calls will reach them immediately. See Abstract.

Claim 1 as amended recites, in pertinent part, a method for managing a cell phone call, comprising:

> initially receiving an incoming call at a cell phone prior to sending a notification of the incoming call to a personal data processing device external to the cell phone;
> sending the notification of the incoming call to the personal data processing device, the personal data processing device coupled to the cell phone via a connection;
> retrieving caller identification (ID) and information associated with the incoming call, wherein the caller ID and the information are retrieved from a plurality of sources; (emphasis added)

Simpson and Pepper fail to disclose, individually or in combination, initially receiving an incoming call at a cell phone prior to sending a notification of the incoming call to a personal data processing device external to the cell phone.

Simpson does not disclose receiving an incoming call at a cell phone prior to sending a notification of the incoming call to a personal data processing device external

to the cell phone. Simpson discloses receiving a call at a cell phone and playing a hold message or a call-back message, or forwarding the call to voicemail.

Pepper does not disclose receiving an incoming call at a cell phone prior to sending a notification of the incoming call to a personal data processing device external to the cell phone; rather, Pepper discloses receiving calls for a subscriber at a variety of possible numbers and forwarding those calls, not notifications of the calls, to a subscriber service for processing.

Further, it would not make sense to combine Simpson and Pepper. The Pepper system, for instance, receives forwarded calls from a variety of numbers specified by a subscriber. The Simpson system handles calls to a cell phone on the cell phone. Because Simpson does not access external data sources, it would not make sense to forward the call to an external system for processing, especially when the system would need access to information contained on the phone that just forwarded the call.

According to MPEP §2142 :

> [t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (U.S. 2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that 'rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at 418 (quoting Federal Circuit statement with approval).

Furthermore, according to MPEP §2143, "[T]he Supreme Court in *KSR* identified a number of rationales to support a conclusion of obviousness which are consistent with the proper 'functional approach' to the determination of obviousness as laid down in Graham." And, according to MPEP §2143.01, obviousness can be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *Kahn*, 441 F.3d at 988. Further, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." *KSR*, 82 USPQ2d at 1396.

Simpson and Pepper, neither individually nor when combined, teach or reasonably suggest all the features of claim 1 and a ***prima facie*** case of obviousness has not been met under MPEP §2142.

Furthermore, since Simpson and Pepper fail to disclose, individually or in combination, all the limitations of claim 1, Applicant request that the Examiner withdraw the rejection and allow claim 1 and its dependent claims. Independent claims 8, 15, and 22 contain similar language to claim 1; accordingly, Applicant requests that the Examiner withdraw the rejection and allow claims 8, 15, 22, and the corresponding dependent claims.

Claims 7, 14, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Simpson, U.S. Patent Publication No. 2004/0266399 ("Simpson") in view of Pepper, et al., U.S. Patent No. 5,930,700 ("Pepper") and further in view of Ihara, et al., U.S. Patent Publication No. 2004/0185915 ("Ihara").

Because claims 7, 14, 21, and 28 depend from the independent claims, they include all the limitations of their corresponding base claim. According, for at least the same reasons as already discussed above with reference to claim 1, the Applicant requests that the Examiner withdraw the rejections and allow these claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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